

Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC

CHAPTER 3

VESSEL IDENTIFICATION, INSPECTIONS AND ALTERED TECHNICAL REQUIREMENTS

Article 18

Unique European vessel identification number

- 1 Member States shall ensure that each craft is assigned a unique European vessel identification number (ENI), in accordance with Annexes II and V.
- 2 Each craft shall have only one ENI, which shall remain unchanged during its entire lifetime.
- 3 When issuing a Union inland navigation certificate, the competent authority shall include the ENI therein.
- 4 Each Member State shall draw up a list indicating the competent authorities responsible for assigning ENIs and shall notify the Commission thereof, as well as any changes to the list. The Commission shall maintain an up-to-date list of competent authorities on an appropriate website.

Article 19

European Hull Data Base

- 1 The Commission shall keep the EHDB in order to support administrative measures for maintaining safety and ease of navigation and to ensure application of this Directive.

Any processing of personal data by the Member States shall be carried out in accordance with Union law on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council⁽¹⁾.

Any processing of personal data by the Commission shall be carried out in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council⁽²⁾.

- 2 Member States shall ensure that, for each craft, the competent authorities enter, without delay, in the EHDB:
 - a the data identifying and describing the craft in accordance with this Directive;
 - b the data relating to the certificates issued, renewed, replaced and withdrawn, as well as the competent authority which issued the certificate, in accordance with this Directive;
 - c a digital copy of all certificates issued by competent authorities in accordance with this Directive;
 - d the data on any rejected or pending applications for certificates in accordance with this Directive; and

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e any changes to the data referred to in points (a) to (d).

3 The data referred to in paragraph 2 may be processed by competent authorities of Member States, contracting parties to the Revised Convention for Rhine Navigation and third countries that are entrusted with tasks related to the application of this Directive and of Directive 2005/44/EC of the European Parliament and of the Council⁽⁹⁾, for the following purposes:

- a applying this Directive and of Directive 2005/44/EC;
- b ensuring waterway traffic and infrastructure management;
- c maintaining or enforcing safety of navigation;
- d collecting statistical data.

4 The competent authority of a Member State may transfer personal data to a third country or international organisation provided that it does so only on a case-by-case basis and that the requirements of Regulation (EU) 2016/679, and in particular those set out in Chapter V thereof, are fulfilled. Member States shall ensure that the transfer is necessary for the purposes referred to in paragraph 3 of this Article. Member States shall ensure that the third country or international organisation does not transfer the data to another third country or international organisation unless it is given express written authorisation to do so and complies with the conditions specified by the competent authority of the Member State.

5 The Commission may, on a case-by-case basis, transfer personal data or grant access to the EHDB to an authority of a third country or international organisation provided that the transfer or access is necessary for the purposes referred to in paragraph 3 of this Article, and provided the requirements of Article 9 of Regulation (EC) No 45/2001 are fulfilled. The Commission shall ensure that the transfer or access is necessary for the purposes referred to in paragraph 3 of this Article. The Commission shall ensure that the third country or international organisation does not transfer the data to another third country or international organisation unless it is given express written authorisation and complies with the conditions specified by the Commission.

6 The competent authority shall ensure that the data related to a craft is deleted from the database referred to in paragraph 1 when this craft is scrapped.

7 The Commission is empowered to adopt delegated acts in accordance with Article 32 further specifying:

- a the data to be entered in the database by Member States;
- b the types of access permitted, taking into account the categories of the recipients of data and the purposes for which such data are processed referred to in paragraph 3 of this Article;
- c the instructions regarding the use and operation of the database, in particular with respect to data security measures, encoding and processing of data and interconnection of the database with the registers referred to in Article 17.

Article 20

Carrying out of technical inspections

1 Member States shall ensure that the competent authorities referred to in paragraph 3 carry out the initial, periodical, special and voluntary inspections referred to in this Directive.

2 Those competent authorities may refrain from subjecting the craft in whole or in part to technical inspection where it is evident from a valid attestation, issued by a recognised

classification society in accordance with Article 21, that the craft satisfies, in whole or in part, the technical requirements referred to in Annexes II and V.

3 Each Member State shall draw up a list indicating its competent authorities which are responsible for carrying out technical inspections and shall notify the Commission thereof, including any changes to the list. The Commission shall maintain an up-to-date list of competent authorities and inspection bodies on an appropriate website.

4 Each Member State shall comply with the specific requirements as regards inspection bodies and the request for an inspection, provided for in Annexes II and V.

Article 21

Recognition of classification societies

1 The Commission shall adopt implementing acts in order to recognise a classification society which meets the criteria listed in Annex VI, or to withdraw recognition, in accordance with the procedure set out in paragraphs 2 and 3 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

2 An application for recognition shall be submitted to the Commission by the Member State in which the classification society has its headquarters or a subsidiary authorised to issue attestations that a craft satisfies the requirements referred to in Annexes II and V in accordance with this Directive. This application shall be accompanied by all information and documentation needed to check that the criteria for recognition are met.

3 Any Member State may submit to the Commission a request to withdraw the recognition if it considers that a classification society no longer meets the criteria set out in Annex VI. The request for withdrawal shall be accompanied by documentary evidence.

4 The classification societies which, by 6 October 2016, have been granted recognition in accordance with Directive 2006/87/EC shall retain their recognition.

5 The Commission shall publish for the first time by 7 October 2017, and shall keep updated on an appropriate website, a list of the classification societies recognised in accordance with this Article. Member States shall communicate to the Commission any changes relating to the names or addresses of the classification societies for which they have applied for recognition.

Article 22

Control of compliance

1 Member States shall ensure that their competent authorities may at any time control whether a craft is carrying a valid certificate in accordance with Article 7 and whether it satisfies the requirements for the issuance of such a certificate.

In the case of failure to comply with the requirements, the competent authorities shall take appropriate measures in accordance with paragraphs 2 to 5 of this Article. They shall also request that the owner of the craft or its representative takes all necessary measures to remedy the situation within a time limit set by the competent authorities.

The competent authority which issued the certificate carried on the craft shall be informed of such failures within seven days of the control.

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2 Where a valid certificate is not being carried, the craft may be prevented from proceeding with its voyage.

3 If, during the control, the competent authorities find that the craft constitutes a manifest danger for the persons on board, the environment or the safety of the navigation, they may prevent the craft from proceeding with its voyage until the necessary steps have been taken to remedy the situation.

The competent authorities may also prescribe proportionate measures which will enable the craft to proceed safely, where appropriate on termination of its transport operations, to a place where it will either be inspected or repaired.

4 A Member State which has prevented a craft from proceeding with its voyage, or has notified the owner of the craft or its representative of its intention to so prevent it if the defects found are not corrected, shall inform the competent authority in the Member State which issued or last renewed the craft's certificate, within seven days of the decision which it has taken or intends to take.

5 Any decision to interrupt the passage of a craft taken in the implementation of this Directive shall state in detail the reasons on which it is based. Such decision shall be notified without delay to the party concerned, who shall at the same time be informed of the appeal procedures available under the laws in force in the Member State concerned and of their time limits.

Article 23

Altered technical requirements for certain zones

1 Member States may, where applicable subject to the requirements of the Revised Convention for Rhine Navigation, adopt technical requirements additional to those referred to in Annexes II and V for craft operating on Zone 1 and 2 waterways within their territory. Such additional requirements shall cover only the elements listed in Annex III.

2 In respect of passenger vessels operating on Zone 3 non-linked inland waterways, each Member State may maintain technical requirements in addition to those referred to in Annexes II and V. Such additional requirements shall cover only the elements listed in Annex III.

3 Where application of the transitional provisions referred to in Annex II would result in a reduction in existing national safety standards, a Member State may disapply those transitional provisions in respect of passenger vessels operating on its non-linked inland waterways. In such circumstances, the Member State concerned may require that, from 30 December 2008, such passenger vessels operating on its non-linked inland waterways comply fully with the technical requirements referred to in Annexes II and V.

4 Member State may allow a partial application of the technical requirements or set technical requirements which are less stringent than those referred to in Annexes II and V in respect of craft operating exclusively on Zone 3 and 4 waterways within its territory. The less stringent technical requirements or the partial application of the technical requirements shall cover only the elements listed in Annex IV.

5 Where a Member State applies paragraph 1, 2, 3 or 4, it shall notify the Commission thereof at least six months before the envisaged date of application. The Commission shall inform the other Member States accordingly.

In the cases referred to in paragraphs 1 and 2 of this Article, the Commission shall adopt implementing acts to approve the additional technical requirements. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

6 Compliance with the altered technical requirements in accordance with paragraphs 1, 2, 3 and 4 shall be specified in the Union inland navigation certificate or in the supplementary Union inland navigation certificate.

Article 24

Derogations for certain categories of craft

1 While maintaining an adequate level of safety, Member States may authorise derogations from all or part of this Directive for:

- a craft operating on non-linked inland waterways;
- b craft having a dead weight not exceeding 350 tonnes or craft not intended for the carriage of goods and having a water displacement of less than 100 cubic metres, which were laid down before 1 January 1950 and which operate exclusively within their territory.

2 Without prejudice to the Revised Convention for Rhine Navigation, Member States may authorise, in respect of navigation within their territory, derogations from this Directive for craft operating limited journeys of local interest or in harbour areas. The derogations and the journeys or areas for which they are valid shall be specified in the craft's certificate.

3 The Member States shall notify the Commission of the derogations authorised in accordance with paragraphs 1 and 2. The Commission shall inform the other Member States accordingly.

Article 25

Use of new technologies and derogations for specific craft

1 In order to encourage innovation and the use of new technologies in inland navigation, the Commission shall be empowered to adopt implementing acts allowing derogations or recognising the equivalence of technical specifications for a specific craft regarding:

- a the issuance of a Union inland navigation certificate recognising the use, or presence, on board a craft of other materials, installations or items of equipment, or the adoption of arrangements or design aspects other than those included in Annexes II and V, provided that an equivalent level of safety is ensured;
- b the issuance of a Union inland navigation certificate for trial purposes for a limited period incorporating new technical specifications that derogate from the requirements of Annexes II and V, provided that an adequate level of safety is ensured.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

2 The competent authorities of a Member State shall specify any applicable derogations and recognitions of equivalences referred to in paragraph 1 in the Union inland navigation certificate.

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Article 26

Hardship

1 Following the expiry of transitional provisions to technical requirements laid down in Annex II, the Commission may adopt implementing acts allowing derogations from the technical requirements laid down in that Annex which were subject to those transitional provisions, where those requirements are technically difficult to apply or where their application might entail disproportionate costs.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

2 The competent authorities of a Member State shall specify any applicable derogations referred to in paragraph 1 in the Union inland navigation certificate.

Article 27

Register of type-approved equipment

The Commission shall publish on an appropriate website a register of equipment which has been type-approved in accordance with Annexes II and V.

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- (1) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).
- (2) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).
- (3) Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community (OJ L 255, 30.9.2005, p. 152).